

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN TALBOT RICE,

Defendant.

Case No. 2:09-cr-00078-JCM-GWF
Case No. 2:10-cr-00520-JCM-GWF

ORDER

This matter comes before the Court on Defendant Shawn Talbot Rice's ("Defendant") identical Motions to Produce Documents in two related cases, No. 2:09-cr-00078-JCM-GWF ("*Rice I*") (#335) and No. 2:10-cr-00520-JCM-GWF ("*Rice II*") (#92), filed on February 4, 2013. Plaintiff filed timely Responses (*Rice I*, Doc. #337; *Rice II*, Doc. #95) on February 6 and 7, 2013, respectively. Defendant filed timely Replies (*Rice I*, Doc. #338; *Rice II*, Doc. #96) on February 12, 2013.

Defendant seeks production of "Grand Jury Indictment and Concurrence Form signed by at least 12 grand jurors" for use at his sentencing, currently set for March 20, 2013. *See Rice I*, Doc. #334; *Rice II*, Doc. #91. Defendant was convicted after bench trial in both *Rice I* and *Rice II* before the District Judge on July 24, 2012. *See Rice I*, Doc. #285; *Rice II*, Doc. #60. The subject Indictments and Concurrences are matters of public record. *See Rice I*, Docs. #1, #4; *Rice II*, Doc. #1, #3. In the event Defendant seeks to argue defects in the Indictments, such motions were proper before trial but are now untimely. *See Orders Regarding Pretrial Procedure*, *Rice I*, Doc. #73; *Rice II*, Doc. #9. Furthermore, a guilty verdict renders error in the presentation to the grand jury harmless beyond a reasonable doubt. *United States v. Navarro*, 608 F.3d 529, 539 (9th Cir. 2010). Accordingly,

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Produce Documents (2:09-cr-
2 00078-JCM-GWF, Doc. #335) is **denied**.

3 **IT IS FURTHER ORDERED** that Defendant's Motion to Produce Documents (2:10-
4 00520-JCM-GWF, Doc. #92) is **denied**.

5 DATED this 25th day of February, 2013.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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